

ESSB 6391 - H COMM AMD  
By Committee on Health Care

ADOPTED 02/28/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 18.20.020 and 2004 c 142 s 1 are each amended to read  
4 as follows:

5 As used in this chapter:

6 (1) "Boarding home" means any home or other institution, however  
7 named, which is advertised, announced, or maintained for the express or  
8 implied purpose of providing housing, basic services, and assuming  
9 general responsibility for the safety and well-being of the residents,  
10 and may also provide domiciliary care, consistent with chapter 142,  
11 Laws of 2004, to seven or more residents after July 1, 2000. However,  
12 a boarding home that is licensed for three to six residents prior to or  
13 on July 1, 2000, may maintain its boarding home license as long as it  
14 is continually licensed as a boarding home. "Boarding home" shall not  
15 include facilities certified as group training homes pursuant to RCW  
16 71A.22.040, nor any home, institution or section thereof which is  
17 otherwise licensed and regulated under the provisions of state law  
18 providing specifically for the licensing and regulation of such home,  
19 institution or section thereof. Nor shall it include any independent  
20 senior housing, independent living units in continuing care retirement  
21 communities, or other similar living situations including those  
22 subsidized by the department of housing and urban development.

23 (2) "Basic services" means housekeeping services, meals, nutritious  
24 snacks, laundry, and activities.

25 (3) "Person" means any individual, firm, partnership, corporation,  
26 company, association, or joint stock association, and the legal  
27 successor thereof.

28 (4) "Secretary" means the secretary of social and health services.

29 (5) "Department" means the state department of social and health  
30 services.

1 (6) "Resident's representative" means a person designated  
2 voluntarily by a competent resident, in writing, to act in the  
3 resident's behalf concerning the care and services provided by the  
4 boarding home and to receive information from the boarding home, if  
5 there is no legal representative. The resident's competence shall be  
6 determined using the criteria in RCW 11.88.010(1)(e). The resident's  
7 representative may not be affiliated with the licensee, boarding home,  
8 or management company, unless the affiliated person is a family member  
9 of the resident. The resident's representative shall not have  
10 authority to act on behalf of the resident once the resident is no  
11 longer competent.

12 (7) "Domiciliary care" means: Assistance with activities of daily  
13 living provided by the boarding home either directly or indirectly; or  
14 health support services, if provided directly or indirectly by the  
15 boarding home; or intermittent nursing services, if provided directly  
16 or indirectly by the boarding home.

17 (8) "General responsibility for the safety and well-being of the  
18 resident" means the provision of the following: Prescribed general low  
19 sodium diets; prescribed general diabetic diets; prescribed mechanical  
20 soft foods; emergency assistance; monitoring of the resident; arranging  
21 health care appointments with outside health care providers and  
22 reminding residents of such appointments as necessary; coordinating  
23 health care services with outside health care providers consistent with  
24 RCW 18.20.380; assisting the resident to obtain and maintain glasses,  
25 hearing aids, dentures, canes, crutches, walkers, wheelchairs, and  
26 assistive communication devices; observation of the resident for  
27 changes in overall functioning; blood pressure checks as scheduled;  
28 responding appropriately when there are observable or reported changes  
29 in the resident's physical, mental, or emotional functioning; or  
30 medication assistance as permitted under RCW 69.41.085 and as defined  
31 in RCW 69.41.010.

32 (9) "Legal representative" means a person or persons identified in  
33 RCW 7.70.065 who may act on behalf of the resident pursuant to the  
34 scope of their legal authority. The legal representative shall not be  
35 affiliated with the licensee, boarding home, or management company,  
36 unless the affiliated person is a family member of the resident.

37 (10) "Nonresident individual" means a person who resides in  
38 independent senior housing, independent living units in continuing care

1 retirement communities, or in other similar living environments or in  
2 a boarding home and may receive one or more of the services listed in  
3 RCW 18.20.030(5)((, but)). A nonresident individual may not receive  
4 domiciliary care, as defined in this chapter, directly or indirectly by  
5 the ((facility)) boarding home and may not receive the items and  
6 services listed in subsection (8) of this section, except during the  
7 time the person is receiving adult day services as defined in this  
8 section.

9 (11) "Resident" means an individual who is not related by blood or  
10 marriage to the operator of the boarding home, and by reason of age or  
11 disability, chooses to reside in the boarding home and receives basic  
12 services and one or more of the services listed under general  
13 responsibility for the safety and well-being of the resident and may  
14 receive domiciliary care or respite care provided directly or  
15 indirectly by the boarding home and shall be permitted to receive  
16 hospice care through an outside service provider when arranged by the  
17 resident or the resident's legal representative under RCW 18.20.380.

18 (12) "Resident applicant" means an individual who is seeking  
19 admission to a licensed boarding home and who has completed and signed  
20 an application for admission, or such application for admission has  
21 been completed and signed in their behalf by their legal representative  
22 if any, and if not, then the designated representative if any.

23 (13) "Adult day services" means care and services provided to a  
24 nonresident individual by the boarding home on the boarding home  
25 premises, for a period of time not to exceed ten continuous hours, and  
26 does not involve an overnight stay.

27 NEW SECTION. Sec. 2. A new section is added to chapter 18.135 RCW  
28 to read as follows:

29 This chapter does not prohibit or restrict the performance of  
30 blood-drawing procedures by health care assistants in the residences of  
31 research study participants when such procedures have been authorized  
32 by the institutional review board of a comprehensive cancer center or  
33 nonprofit degree-granting institution of higher education and are  
34 conducted under the general supervision of a physician.

35 **Sec. 3.** RCW 18.135.040 and 1984 c 281 s 3 are each amended to read  
36 as follows:

1 A certification issued to a health care assistant pursuant to this  
2 chapter shall be authority to perform only the functions authorized in  
3 RCW 18.135.010 subject to proper delegation and supervision in the  
4 health care facility making the certification or under the supervision  
5 of the certifying health care practitioner in other health care  
6 facilities or in his or her office or in the residences of research  
7 study participants in accordance with section 2 of this act. No  
8 certification made by one health care facility or health care  
9 practitioner is transferrable to another health care facility or health  
10 care practitioner.

11 NEW SECTION. **Sec. 4.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected."

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15 On page 1, line 2 of the title, after "settings;" strike the  
16 remainder of the title and insert "amending RCW 18.20.020 and  
17 18.135.040; and adding a new section to chapter 18.135 RCW."

**EFFECT:** Reduces the amount of time a nonresident individual could receive adult day services on the premises of a boarding home. Adds a severability clause.

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